

**UTILITY PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

**Certificate of Mailing**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated below and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Attorney Docket No.

0077.04

First Inventor

Linda S. Thomashow et al.

Title

Sequences Encoding PhzO and Methods

Express Mail No.

EF 246300700 US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status  
See 37 CFR 1.27
3. ☒ Copy of Parent Specification [Total Pages 83 ]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Reference to Sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawings(s) (35 U.S.C. 113) [Total Sheets 5 ]
5. Oath or Declaration [Total Pages 3 ]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ Deletion of Inventor(s)  
Signed Statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- Request for Transfer of Previously Filed Sequence Listing**
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ Paper as filed 09/27/2001
- c. ☒ Statement verifying identity of above copies as filed 09/27/2001

**ACCOMPANYING APPLICATION PARTS**

9. ☒ Copy of Recorded Assignment from parent application
10. ☐ 37 CFR 3.73(b) Statement [X] Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure [ ] Copies of IDS Citation  
Statement (IDS)/PTO-1449
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Copy of Declaration of Deposit of Biological Material.  
NRRL Deposit Receipts and Viability Statements. Copy of Pierson III and Thomashow, Molecular Plant-Microbe Interactions 5:330-339, 1992

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/965,175

Prior application information: Examiner: Charles L. Patterson Jr. Art Unit: 1652

For CONTINUATION OR DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**☒ Customer Number: 25278

Name (Print/Type)

Margaret A. Connor

Registration No.

30,043

Signature

Margaret A. Connor

Date:

March 26, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL

## FY04

Effective 10/01/2003. Patent fees are subject to annual revision.

Total Amount of Payment \$ 770.00

## METHOD OF PAYMENT

The Commissioner is hereby authorized to charge any fees set forth in CFR §§ 1.116 to 1.118 to the Deposit Account listed below for the entire pendency of the application, or credit any overpayment to this account. A duplicate copy of this sheet is enclosed:

Deposit Account No. 50-2135

Deposit Account Name: **USDA, ARS, OTT**  
**Patent Advisor**

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity:

Code	Fee (\$)	Fee Description	Fee Paid
1001	770	Utility Filing Fee	770.00
1002	340	Design Filing Fee	
1003	530	Plant Filing Fee	
1004	770	Reissue Filing Fee	
1005	160	Provisional Filing Fee	

Subtotal (1) \$ 770.00

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee	Fee Paid
2	-20** =	X	=
Independent Claims	2	-3** =	X =

Multiple Dependent

Large Entity:

Code	Fee (\$)	Fee Description
1202	18	Claims in excess of 20
1201	86	Independent claims in excess of 3
1203	290	Multiple dependent claim, if not paid
1204	86	**Reissue independent claims over original patent
1205	18	** Reissue claims in excess of 20 and over original patent

Subtotal (2) \$

## Complete if Known

Application Number	
Filing Date	
First Named Inventor	Linda S. Thomashow et al.
Examiner Name	
Art Unit	
Attorney Docket No.	0077.04

## FEE CALCULATION

## 3. ADDITIONAL FEES

Large Entity:

Code	Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge-Late filing fee or oath	
1052	50	Surcharge-late provisional filing fee or cover sheet	
1053	130	Non-English Specification	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	Extension for reply within first month	
1252	420	Extension for reply within second month	
1253	950	Extension for reply within third month	
1254	1,480	Extension for reply within fourth month	
1255	2,010	Extension for reply within fifth month	
1401	330	Notice of Appeal	
1402	330	Filing a brief in support of an appeal	
1403	290	Request for oral hearing	
1451	1,510	Petition to institute a public use proceeding	
1452	110	Petition to revive – unavoidable	
1453	1,330	Petition to revive – unintentional	
1501	1,330	Utility issue fee (or reissue)	
1502	480	Design issue fee	
1503	640	Plant issue fee	
1460	130	Petitions to the Commissioner	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	
8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	Request for Continued Examination (RCE)	
1802	900	Request for expedited examination of a design application	

Other fee (specify):

\* Reduced by basic filing fee paid

Subtotal (3) \$

## SUBMITTED BY

Name (Print/Type): Margaret A. Connor

Registration No.  
(Attorney/Agent)

30,043

Telephone: 510-559-6067 or  
510-527-1418

Signature:

*Margaret A. Connor*

Date:

March 26, 2004

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